

Department of Justice  
U.S. Attorney's Office  
Eastern District of Pennsylvania

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FOR IMMEDIATE RELEASE

Monday, November 4, 2019

**Statement by United States Attorney William M. McSwain  
on the Shootings of 11 Month-Old Yazeem Jenkins and Two  
Year-Old Nikolette Rivera in Philadelphia  
Philadelphia District Attorney Larry Krasner's pro-defendant  
policies led to the shootings**

Philadelphians are shocked and outraged by two recent shootings of the most innocent among us: 11 month-old Yazeem Jenkins, who was shot four times on October 19 in Hunting Park while in a car with his father and stepmother, and two year-old Nikolette Rivera, who was shot in the head the next day while in her mother's arms in her living room in Kensington. Nikolette has been buried and Yazeem is fighting for his life at Children's Hospital.

The community is united in its condemnation of these heinous acts – but we must be honest about what enabled them to happen. It is the misguided policies of Philadelphia District Attorney Larry Krasner that led to these avoidable and heartbreaking tragedies. No amount of excuses or deflection can change this fact.

Francisco Ortiz has been charged with the attempted murder of Yazeem, and he is also alleged to have supplied one of the weapons that was used in the attack on Nikolette's family. Ortiz never should have been on the street to begin with. He has a long rap sheet, which includes serving ten years in prison on gun charges. He finished serving that sentence in April and was released. Within three months of his release, he was arrested again in July on gun charges and his bail was originally set at \$100,000. He was held for trial after a preliminary hearing, at which point his attorney asked for reduced bail.

That was the point at which a responsible prosecutor would have stepped in and fought tooth and nail against any reduction in bail. In fact, a responsible prosecutor would have asked for an *increase* in bail after the preliminary hearing, which had established probable cause for the crimes.

Krasner, however, is anything but a responsible prosecutor. Instead, he is a defense-oriented ideologue who is more interested in looking out for the likes of Francisco Ortiz than he is in protecting public safety. So his office *consented* to the court slashing Ortiz's bail in half. At which

point Ortiz made bail, was released, and returned to his life of crime. Soon, Nikolette would be dead and Yazeem would be clinging to life. For good measure, Ortiz is also a prime suspect in a September homicide in the City's Lawncrest section.

It is not the job of the District Attorney to give Francisco Ortiz a helping hand. It is the job of the District Attorney to pursue justice and prosecute dangerous, violent felons like Ortiz to the fullest extent of the law.

There are real-world consequences to having a District Attorney who cares more about defendants than he does about victims and public safety. When it comes to dealing with violent criminals, the public doesn't need a prosecutor whose overarching principle is decarceration. It needs robust enforcement of our criminal laws. That is what will make a difference in our community – and that is what Nikolette and Yazeem and their families deserve.